

## TO THE STATE OF MICHIGAN COURTS

My name is James Allen Steward iam incarcerated at Adrain prison and getting ready to parol to C.P.I in Waterford Mi.

and i have a active case in your court and i would like to renew my address i dont know how long ill be here but the Address is C.P.I 1435 N. Oakland Blvd Waterford Mich, 48327-5495 I would ask the court to change this Address until i find out were iam going

THANK YOU James Allen Steward

James Steward Date 12/12/15

Case No# 11 - 028363 - FH

I got here on 12/15/15 and they just gave me my property and I have no access to legal work law library and I told them I have a active case in court they even opened my letters had going to the court to change address I didnt get these letters until 1/6/16 and now I have to try and mail them I have medical problems with my teeth and jaw and wrist that they wont help me with and I've got to be here for 4 months this places is totally against your constitutional rights in so many ways but I cant even call a lawyer I please ask the court to send my mail here in this case

Thank you James Stewart 1/6/16

I am sending this other case that I just got an answer on from Supreme Court the circuit court used a case where

a guy was at new pass after he violated probation I was sentenced 1 yr county and went right from C P I for 6 mths right after and completed it I am sending the motion I sent to Supreme court and was Denied like I said I have no access to Laws typewriters copys or sending legal mail here for 1 mth I please ask the court to help me in this matter

## Brief

on time credit case 11-28363 FH  
 James ALLEN Steward 212795 I was  
 sentenced to 1yr County 6mths CPI  
 and 4 yrs probation which I completed the  
 1yr and 6mths and 7mths on probation and  
 was violated for not going to new pass a  
 verbable order then I was sentenced  
 to 3 1/2 to 15 yrs with one year credit  
 I didnt get credit for 6mths CPI  
 which is a highly restrictive Governed  
 Facility more then prison or Jail  
 after 3 yrs in prison I was sent back to  
 CPI for 4mths were you have no access  
 for laws Lawyer copys legal mail or  
 typewriters I have carpal tunnel in both  
 wrist and cant get medical help for  
 That or my teeth which the only 2 that  
 touch from bottom to top are loose  
 and bleeding you can only get visits  
 every 3 wks and 1 phone call a wk you  
 cant leave the whole time your there  
 you verly can go outside. as you can  
 see by the lower court used People  
 v Liske 187 mi App 153 which Mr Liske  
 was at new Pass were you can leave  
 Daily in no way compare to CPI

I cant even have Pictures of my Grand Kids  
or visits so this Place is like maximum  
security but you cant be on your bed  
all day.

habeas corpus

My other issue is on this case to  
it is in habeas corpus were they used  
The wrong MCL 257.625-6-0 on all  
my paper work ~~either~~ Either so I  
was sentencer with a non existent law  
or this is the old law with a ten years  
statute which my priors were long past  
or it would make my charge a misdemeanor  
and the habitual offender would not apply  
and make this a invalid sentence all  
my papers have MCL 257.625-6-0 which  
is what I looked up in the law library  
The first thing I please ask the court  
To file this Motion and take into account  
the use of a non existent law or invalid  
Law

I please ask the court  
For help in this matter  
and waiver Filing Fee I have no  
money or income at all

Thank you James Stewart 1/27/16

STATE OF MICHIGAN  
IN THE COURT OF APPEALS

POOR QUALITY ORIGINAL

PROFE OF THE STATE OF MICHIGAN,

Plaintiff

vs-

Defendant

James Allan Stewart MCL769

IN PROPER PERSON

CPE  
1435 Oakland Blvd  
Waterford MI, 48327-5495

Case No.

107.

Court of Appeals

3020 West Grand Boulevard

Suite 1400

Detroit, Mich. 48202

LEAVE TO APPEAL  
MOTION FOR TIME CREDIT ON SENTENCE MCL769.11b

Enclosed are copies of motions and affidavits and denials from Circuit court which were filed in Ingham County and leave to appeal on this date. Proof of service

now comes James Allan Stewart in Pro-per being arrested on bail in Oct. 2014 and with errors that were 15 and 17 yrs old charged for a third offence case no. 11-023018. I was charged to the Salvation Army for 5 and a half hrs while going to court then was sentenced to 1yr county then go right to jail for 5 hrs which was all completed and 7mins on probation to then was violated for not going to New York.

I was given credit for the time in jail on violation but no time credit for 5 and half hrs at Salvation Army or when at CPI which is highly restricted you cant leave or visit your kids or even have pictures of them because of sex offenders there so it is more restrictive than jail or prison.

this was a initial part of my sentence to complete the terms at CPI the case that the court used in there denial People Vs Leske 107 Mich. App 155 (1991) were the defendant was sentenced to probation then violated it then sent to New York where you can leave daily and violated that and wasted time for that.

It clearly states in MCL 769.11b that time spent of a sentence or a restritive governeded period should be given credit on revocation sentence.

(2)

In People v- Strange (1972) 31 Mich App 550 and People v- Cravlin 32 Mich App 407 it was established if placed or confined on -at is 24 hr. residence requirement and not allowed to leave the facility for 100 days which program was completed should be given credit for time spent at program. A court is suppose to rely on if the environment is tantamount to confinement which CJI is highly restrictive and a warrant would be sworn out for you if you left early or got thrown out.

This work is a violation of the 5th amendment against double jeopardy by not giving credit for this time spent.

After it was violated and sentenced to 3 and a half to 15 yrs and only given credit for the jail time and not the 3 and a half before sentence or 3 mos. after sentencing. ive seats been incarcerated in prison for 3 yrs. ticket free completed substance abuse pro in prison work full time apst lic. plate factory for 2 yr.

relief seek

to have credit be given for both times spent at rehab or at least the entire that was part of my sentence and was completed and for this time credit be sent to the lower court and the J.P.C. for the reduction I hope and pray this court will give me justice in this case

James Allen Steward Date \_\_\_\_\_

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF GENESEE

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

Case No. 11-28363-FH

Hon. Geoffrey L. Neithercut

JAMES ALLEN STEWARD,

Defendant.

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ORDER DENYING DEFENDANT'S MOTION FOR CREDIT  
FOR TIME SERVED

At a session of said Court held in the Courthouse, in the City  
of Flint, County of Genesee, Michigan, on  
Thursday, December 11, 2014:

PRESENT: THE HONORABLE GEOFFREY L. NEITHERCUT

Defendant James Allen Steward has filed with this Court a motion entitled Motion for Credit for Time Served While Incarcerated. Defendant is seeking an additional jail credit of 180 days for the time he spent in a CPI program after he was released from county jail during his initial sentence.

Defendant is not entitled to an additional 180 days of jail credit for the time he spent at CPI. The CPI program is manifestly rehabilitative and credit is not required for time spent at such a facility. See People v Leske, 187 Mich App 153, 156-57 (1991). Where participation in a rehabilitative facility is required as part of a probation order, participation is manifestly rehabilitative and a defendant need not be credited for time spent in the facility preceding subsequent imprisonment for a probation violation. Id. at 157. *not sentence*

This Court has reviewed the file and the circumstances in this matter and NOW  
THEREFORE,

A TRUE COPY  
Genesee County Clerk

IT IS ORDERED THAT Defendant James Allen Steward's Motion for Credit for Time Served is DENIED, the Court being convinced that it is without merit.

  
Geoffrey L. Neithercut, Circuit Judge





**Michigan Supreme Court**

**Office of the Clerk**

Michigan Hall of Justice

P.O. Box 30052

Lansing, Michigan 48909

Phone (517) 373-0120

January 20, 2016

JAMES STEWARD

#212795

C.P.I. 1435 N OAKLAND BLVD

WATERFORD, MI 48327-5495

Re: ***People v Steward, SC 152102***

This is in response to your recent letter.

You filed an application for leave to appeal to this Court on 8/05/15. This Court issued a 12/22/15 order that that denied your application. I've enclosed another copy of that order. This matter is now closed here. We cannot accept any further pleadings in this matter.

I've enclosed your letter.

Respectfully,

*/s/ Inger Z. Meyer*

Deputy Clerk

IZM

Enclosures

James Stewart 212795

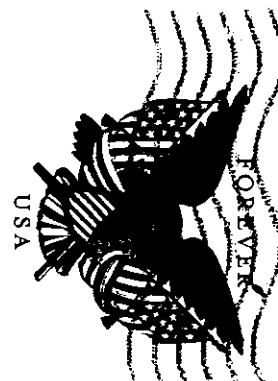
CPI 1435 N. Oakland Blvd  
Waterford Mich 48322-5495

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METROPLEX MI 480

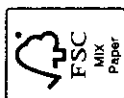
28 JAN 2016 PM 16:1



United States District Court  
Eastern District of Michigan  
Theodore Levin United States Court  
231 W Lafayette Blvd  
Detroit Mich 48226-2718

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1435

## CIVIL COVER SHEET FOR PRISONER CASES

<b>Case No.</b> <u>16-10409</u>		<b>Judge:</b> <u>Laurie J. Michelson</u>		<b>Magistrate Judge:</b> <u>R. Steven Whalen</u>	
<b>Name of 1<sup>st</sup> Listed Plaintiff/Petitioner:</b> James Allen Steward			<b>Name of 1<sup>st</sup> Listed Defendant/Respondent:</b> State of Michigan		
<b>Inmate Number:</b> 212795			<b>Additional Information:</b>		
<b>Plaintiff/Petitioner's Attorney and Address Information:</b>					
<b>Correctional Facility:</b>  CPI 1435 N. Oakland Blvd. Waterford, MI 48327					

## BASIS OF JURISDICTION

- ☐ 2 U.S. Government Defendant  
☒ 3 Federal Question

## ORIGIN

- ☒ 1 Original Proceeding  
☐ 5 Transferred from Another District Court  
☐ Other:

## NATURE OF SUIT

- ☐ 530 Habeas Corpus  
☐ 540 Mandamus  
☒ 550 Civil Rights  
☐ 555 Prison Conditions

## FEE STATUS

- ☐ IFP *In Forma Pauperis*  
☐ PD Paid

## PURSUANT TO LOCAL RULE 83.11

## 1. Is this a case that has been previously dismissed?

☐ Yes      ☒ No

➤ If yes, give the following information:

Court: \_\_\_\_\_

Case No: \_\_\_\_\_

Judge: \_\_\_\_\_

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes      ☒ No

➤ If yes, give the following information:

Court: \_\_\_\_\_

Case No: \_\_\_\_\_

Judge: \_\_\_\_\_